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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2013-669

13 **EUGENE JINON DEVANO**

STATEMENT OF ISSUES

14 Applicant/Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Statement of Issues solely in
19 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about May 25, 2012, the Board received an application for licensure as a
22 registered nurse from Eugene Jinon Devano (Respondent). On or about May 23, 2012,
23 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on August 27, 2012.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

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“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

“(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.”

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5. Code section **2761** states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . .”

6. Code section **2765** states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

CAUSE FOR DENIAL OF APPLICATION

(Criminal Conviction)

7. Respondent's application is subject to denial under Code sections 480(a)(1), 480(a)(3)(A), and 2761(f) in that he has been convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse. The circumstances are as follows:

8. On or about February 14, 2012, in Las Vegas Township Justice Court, case number 11F20244X, Respondent was convicted of having committed assault. The conviction was based on an incident which occurred on or about November 19, 2011, during which Respondent brandished a loaded firearm at his wife, step-daughter, and infant son.

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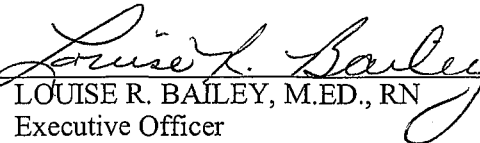
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Eugene Jinon Devano for licensure as a registered nurse;
2. Taking such other and further action as deemed necessary and proper.

DATED: February 22, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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